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11 Attorneys for Defendant Barack Obama

12 UNITED STATES DISTRICT COURT  
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
14 WESTERN DIVISION

15 RUTH JONES,	}	Case No. CV 10-01075 GAF (PJWx )
16 Plaintiff,		
17 v.		
18 BARACK HUSSEIN OBAMA II, etc.,	}	Honorable Gary A. Feess
19 Defendant.		

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22 1. **EX PARTE APPLICATION FOR AN ORDER ENLARGING**  
23 **THE TIME FOR DEFENDANT TO FILE A REPLY;**  
24 2. **DECLARATION OF DAVID A. DeJUTE; and,**  
25 3. **[PROPOSED] ORDER THEREON**  
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**EX PARTE APPLICATION**

Defendant Barack Obama hereby moves and applies for an Order from this Court, ex parte, enlarging and extending Defendant's time to file a reply in support of his motion to dismiss by seven (7) days until July 19, 2010. The reasons for this request are set forth in the attached declaration of David A. DeJute. The notice for this ex parte application required under Local Rule 7-19 is also incorporated in the declaration.

Respectfully submitted,

DATED: July 14, 2010

ANDRÉ BIROTTE JR.  
United States Attorney  
LEON W. WEIDMAN  
Assistant United States Attorney  
Chief, Civil Division

*/s/ David A. DeJute*  
DAVID A. DeJUTE  
Assistant United States Attorney

**DECLARATION OF DAVID A. DeJUTE**

I, David A. DeJute, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am an Assistant United States Attorney (“AUSA”) for the Central District of California and, along with my colleague AUSA Roger E. West, am one of the attorneys with principal responsibility for handling this matter.

2. No prior application for any extensions have been sought by any of the parties.

3. On June 25, 2010, Defendant Barack Obama filed his motion to dismiss with a hearing date set for July 26, 2010.

4. Pursuant to the Local Rules, Plaintiff was required to file her opposition no later than July 6, 2010. *See* Local Rule 7-9.

5. On July 9, 2010, Defendant timely filed his reply alerting this Court that Plaintiff had failed to file her opposition and that, pursuant to the Local Rules, this Court could deem such a failure a further ground to grant the motion. *See* Local Rule 7-12.

6. On July 12, 2010, Plaintiff *untimely* filed her opposition.

7. On July 13, 2010, Plaintiff’s opposition was docketed on Pacer, and I received notice of the filing.

8. Roger West and I are both on leave during this week, and AUSA West will not be back in Los Angeles and at work until July 19, 2010.

9. I came into the Office today to submit this ex parte application, requesting an extension of time to respond to Plaintiff’s opposition and thereby giving AUSA West the ability to contribute to Defendant’s reply.

10. I could not have filed this ex parte application at any time earlier than today, as I was not in Los Angeles yesterday when I received notice of the late filing of Plaintiff’s reply.

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1           11. Pursuant to Local Rule 7-19, on July 14, 2010, I gave Plaintiff  
2 electronic notice of the contents of this application. I have not received any  
3 response from Plaintiff by the time of filing.

4           12. There is no apparent prejudice to the parties by this extension of time  
5 for the Defendant to file a reply, as under the Local Rules Defendant would have  
6 had such an opportunity if Plaintiff had not untimely filed her opposition.  
7 Defendant therefore requests this Court to grant him up to and including July 19,  
8 2010 to file a reply in support of his motion to dismiss.

9           I declare under penalty of perjury that the foregoing is true and correct.

10          Executed on July 14, 2010 at Los Angeles, California.

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12                               /s/ *David A. DeJute*  
13                               DAVID A. DeJUTE  
14                               Assistant United States Attorney  
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